

### REMARKS

Entry of the foregoing amendments, and reexamination and reconsideration of the subject application, in light of the following remarks, are respectfully requested.

#### Amendments

Claims 1-16, 18, and 24-41 have been cancelled; and new dependent claims 42 and 43 have been added. The amendments to claims 17 and 22 are supported at least by Figs. 15-20 and 24. The recitation of an "unscored" length is inherent in an electrical tape, and accordingly has been added to the preamble of the claim, is discussed below, and is also supported at page 12 (¶0044) referring to Fig. 3 as "representative of the entire tape length." No new matter is added.

These amendments were not made earlier in light of the new ground of rejection.

#### Rejection under 35 U.S.C. §103

The rejection of claims 17-23 (now 17 and 19-23) as obvious over Figliuzzi and Thomason is respectfully traversed.

As now amended, claim 17 recites essentially that just about anywhere one cuts the roll of tape, the resulting edge will have at least two line segments and be misregistered with the pattern on the surface of the underlying layer.

Claim 22 has been amended to clarify what was intended by "extending from end to end" in the previous amendment.

Thomason mentions electrical tape but exemplifies the invention with bathroom tissue, and teaches overlapping lines "at preselected segment increments" (col. 2, ln. 5-6) or a discontinuity ("offset") printed at the boundary of adjacent segments (col. 2, ln. 6-10). Note that Figs. 1, 2, 3, and 4 all show a line that spans only a fixed number of segments of the roll and not from one end of the roll to the other end, as required by claim 22. Thus, the present lines are spaced apart over substantially the entire length of the roll, whereas Thomason teaches lines that are spaced apart over only a minimal portion of the length of the roll, at best.

The same is true for Fig. 1 of Figliuzzi. The portion cited by the examiner (col. 1, ln. 44-47), where Figliuzzi discloses a single line from one end of the tape to the other is unworkable: for a "typical" roll of tape, e.g., 30 yds (1080 inches in length) of transparent tape, and even assuming a tape width of 3/4th inches, a single line will be displaced by only 0.0083 inches over 12 inches of tape length; assuming a diameter of 2.5 inches for the roll, the displacement between adjacent layers will be so small as to practically avoid misregistration (the line width would have to be no more than the misregistration to avoid an overlap). Claim 17 specifically requires that the pattern be effective to distinguish the free end of the tape, and so does not include a single line (or side by side lines) extending from the corner at one end of the tape to the opposite corner at the other end. Rather, claim 17 requires the

pattern to be distinguishable between adjacent layers so as to locate the free end. Figs. 1 and 2 of Figliuzzi do not show a substantially continuous line: they show a line segment spanning the opposing long (side) edges along only a portion of the length; and as the diameter of the roll shrinks (as the tape is used) the offset will become progressively smaller. Utility patent drawings do not depict color, so the statements in the rejection about color are not supported by the reference and thus are improperly based on hindsight reconstruction; neither there any support that the tape in the references is of a solid color.

Thomason exemplifies the invention with a product that is inherently segmented (scored panels of identical length along the length of the roll), and thus avoids the problem of a continuous tape that can be cut anywhere along its length. The amendments to claims 17 and 23 that the material be "unscored" further distinguishes Thomason.

Because Thomason uses bathroom tissue for exemplification, there is even a teaching to make a discontinuity ("offset") in the pattern where the adjoining segments meet at a score line, as seen in Fig. 4. Such a teaching is away from the claimed invention and from Figliuzzi because, *as marked*, the marking implies a free end where none exists.

Still further, the problem of unwrapping electrical tape from a spliced line (for example), as addressed in the Background and the previous response, is not addressed by Thomason (because bathroom tissue is not wrapped and unwrapped). Both Thomason and Figliuzzi omit mention of unwrapping tape. A tape with two lines at a cut edge is not only more distinctive for unravelling from the roll for splicing, but also for unwrapping from a splice to avoid the cutting the tape and then possibly also a wire within the splice. Having at least two lines greatly increases the chances of misregistration both while the tape is rolled and after it is wrapped. A combination of different types of lines, such as shown on sheets 4 and 5 of the drawings, and recited in claim 43, further facilitates identification of the free end.

Thomason exemplifies with bathroom tissue, generally white or of a white background, and Figliuzzi exemplifies with no particular type of tape. Both describe "marking" without any reference to any color. In the electrical arts there are standardized colors relating to positive (red), negative (green), and ground (white). It is in this respect, not addressed or suggested by the art, that the coordination of the color with the type of tape is important. A wire may not have a color-coded insulation (or the coding may not be related to positive, negative, or ground), and so the tape of claim 23 can be used to designate the wire as dedicated to positive, negative, or ground. A splice in a wire not having a color-coded insulation away from a junction can be designated as a splice of a positive, negative, or ground wire.

As noted above regarding the amendments, the claims now recite electrically insulating tape (electrical tape) in the preamble of claims 17 and 22 as well as in the body of the claims. It is inherent in an electrically insulating tape that the substrate not be perforated or scored. An opening (or puncture) breaching the opposing sides

of the tape, while likely not effecting the adhesion to a significant degree, clearly *eliminates* (or at least reduces to a point of being dangerously low) the resistance between the sides, and so the tape is no longer electrically insulating; a scored opening is also subject to being widened by mechanical forces (e.g., vibrations and movements of parts, depending on the environment in which the tape is used) and thus an ever-increasing risk of a short circuit (or other damage) and so is not suitable for use in an electrical tape. In addition, electrical tape should meet certain safety standards, such as that it does not catch fire when overheated. Accordingly, as to the practical aspects of electrical tape, Thomason's perforations, and the description of the printed line in relation thereto, is contrary to the present invention.

In light of the foregoing, all of the rejections should now be withdrawn.